IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

WP(C).No. 32072 of 2007(R)

PETITIONER:

FATHIMAKUTTY UMMA, AGED 45 YEARS,
W/O LATE MUHAMMED, CHIRAPARAMBIL HOUSE,
S.R.K.NAGAR, OTTAPALAM.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS:

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1. OTTAPALAM CO-OPERATIVE URBAN BANK
LTD. NO.F.1647, OTTAPALAM-670101.
REP. BY ITS SECRETARY, OTTAPALAM-1.

2. SPECIAL SALE OFFICER,
OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, OTTAPALAM.

R1 BY ADV. SHRI. VINOD MADHAVAN
R2 BY GOVT. PLEADER SHRI. P.K. RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P(C) 32072/07

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF AWARD DT. 9.2.1999 IN O.P. (MV) NO: 767/97 PASSED BY MACT, OTTAPALAM

EXT.P2: -DO- NOTICE DT. 14.9.2007 ISSUED BY THE 2ND RESPONDENT

EXT.P3: -DO- OF AUCTION NOTICE DT. NIL (RECEIVED BY THE PETITIONER ON 26.10.2007) ISSUED BY THE 2ND RESPONDENT

jj /TRUE COPY/

P.A. TO JUDGE

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.32072 OF 2007

Dated this the 30th day of November, 2007

JUDGMENT

Having heard learned counsel for the petitioner and learned counsel for the first respondent, I am satisfied that the petitioner has made out a case for leniency in the matter of repayment of the loan, having regard to the situation in which she, a widow, and her only son is placed, as evidenced by Ext.P1 MACT award. Under such circumstances, this writ petition is disposed of directing that if the petitioner has remitted the amount of Rs.20,000/- covered by the interim order dated 29.10.2007, and continues to pay off the outstandings by remitting it in 10 equal monthly instalments, payable on or before the 20th of every month, commencing from January, 2008, and thereby pays off the entire outstandings, including all accruals, the Bank will treat the loan as satisfied. It will be open to the petitioner to request the Bank to extend ameliorative measures as may be available within the authority of the Bank, having regard to the peculiar facts and circumstances of the

case. However, if there is default in remitting any two instalments consecutively, the benefit of this judgment shall stand recalled automatically.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.